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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/731,455

12/07/2000

Gordon D. Ford

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EXAMINER

GIBBS, HEATHER D

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/731,455	Applicant(s) FORD ET AL.	
	Examiner Heather D. Gibbs	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 14, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 14, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on 12/02/04 has been entered and made of record. Claims 1-8,14,17-18 are pending.

Response to Arguments

2. Applicant's arguments filed have been fully considered but they are not persuasive. Regarding claim 1, Applicant argues it is unclear how the negative/positive determination is made within the disclosure of Hirata. Examiner determines Hirata discloses enough information to illustrate the negative/positive determination is made by comparing color density on film. See Fig 2a; 3a-3d; and Col 9 Line 41-Col 11 Line 47 for a more precise explanation. Considering claim 5 and 14, Applicant argues Hirata does not disclose whether the negative/positive determination is made automatically or manually. Upon further review, the examiner finds the determination to be made logically automatically via calculations from the image processing apparatus. For claim 7, Applicant argues Hirata does not implement a setting of the scanner to treat a film as positive or negative based on relative r, g, and b density. Examiner respectfully disagrees and points the applicant's attention to Fig 3a and Col 9 Line 41- Col 11 Lines 47. Dependent claims remain rejected for reason cited in prior Office Action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1,3-7,14,17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirata (US 5,210,600).

For claim 1, Hirata discloses a method for scanning a photographic film using a scanner comprising: performing a pre-scan of the film (Abs.; col. 7, lines 46-47); sampling a color density of at least one location of the film (col. 7, line 56 – col. 8, line 17); comparing the color density to a standard range indicating an orange bias for the at least one location (Fig. 4(a); col. 10, line 32 – col. 11, line 2); and setting the scanner to treat the film as a negative if the color density is within the standard range and to otherwise treat the film as a positive (Fig. 3(a); col. 11, lines 3-5).

For claim 3, Hirata discloses wherein the color density is determined for each of red, green, and blue (col. 9, line 59 – col. 10, line 39).

For claim 4, Hirata discloses wherein the color density for each of the red, green, and blue is averaged for the red, green and blue, respectively, for each of the at least one locations and the average is employed in the step of comparing (Abs; col. 8, lines 9-28).

For claim 5, Hirata discloses a method of scanning a photographic film using a scanner, comprising the step of determining, automatically, whether the film is a positive or a negative (Fig. 4(a); col. 11, lines 3-7).

For claim 6, Hirata discloses a step of controlling the scanner to properly scan the film based on the determination of the positive or negative (Fig. 4(a); col. 11, lines 3-7).

For claim 7, Hirata discloses a system for distinguishing between positive and negative film, the film exhibit a red, green, and a blue illumination characteristic comprising: a scanner, including a sensor operable to detect red, green, and blue (226 Fig. 9; col. 9, lines 37-42); an analog output from the sensor indicative of the red, green, and blue (col. 5, lines 40-42); an analog-to-digital converter, connected to the sensor, for receiving the analog output (col. 5, lines 43-47); a digital output from the analog-to-digital converter, connected to the analog-to-digital converter (col. 5, line 45-47); a microprocessor system, including a microprocessor and a memory, connected to the digital output (240, Fig. 9); a logic module, connected to the microprocessor system, wherein the logic module determines relative densities of red, green, and blue (634 Fig. 9; col. 6, lines 1-15); and a control connection, connected to the microprocessor system and the scanner, reactive to relative densities determination by the logic module to trigger the scanner to implement a setting of the scanner to treat a film as positive or negative (col. 6. lines 5-15; Fig 3a; Col 9 Line 41- Col 11 Line 47).

For claim 14, Hirata teaches a method for digitizing a film, comprising the steps of: detecting, automatedly, a characteristic of the film which is indicative of a negative or

positive type of the film; scanning the film; and varying, automatedly, the step of scanning to conform to the negative or positive type of the film (Fig 2a; 3a-3d).

Regarding claim 17, Hirata teaches A method of preparing a scanner to scan a photographic film that may be a positive or negative film type, comprising the steps of: measuring respective color densities of three different color hues, red, green and blue, in the photographic film; comparing the color densities to a standard range which indicates an orange bias that is high enough to represent a negative film type; and triggering the scanner to treat the photographic film as a negative type automatically when the color densities are within the standard range and to otherwise treat the photographic film as a positive type automatically when the color densities are not within the standard range (Col 9 Lines 37-Col 11 Line 47; Fig 3a).

Considering claim 18, Hirata discloses (new) A method of preparing a scanner to scan a photographic film that may be a positive or negative film type, comprising the steps of: measuring color characteristics of the photographic film; determining whether the color characteristics are within a particular range that indicates a negative film type; and triggering the scanner to treat the photographic film as a negative type automatically when the color densities are within the particular range and to otherwise treat the photographic film as a positive type automatically when the color densities are not within the particular range (Col 9 Line 37- Col 11 Line 47; Fig 3a-3d).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2622

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirata (U.S. Patent No. 5,210,600) as applied to claims 1 and 7 above, and further in view of Usami (U.S. Patent No. 5,489,997).

For claims 2 and 8, Hirata fails to disclose the standard range of the red, green and blue in relative proportions, in an 8-bit system comprise of the red being greater than 150, the green being greater than 75, and the blue being less than 50.

Usami discloses a color image processing apparatus which uses a predetermined count value for each of the red, green, and blue components to detect a positive or negative film (col. 4, lines 44-53). It would have been obvious to one of ordinary skill in the art at the time the invention was made to consider that the predetermine values discloses in Usami could comprise of the red being greater than 150, the green being greater than 75, and the blue being less than 50. It also would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the image processing apparatuses of Hirata and Usami because both teach image processing apparatuses which determine whether a film is a positive or negative. The improvement on Hirata by Usami would allow for a predetermine range to be used when determine the type of film.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hirata (U.S. Patent No. 5,210,600) as applied to claim 9 above, and further in view of Kida (U.S. Patent No. 6,049,392).

For claim 12, Hirata fails to teach the characteristic comprising a film identification tag.

Kida discloses a characteristic comprising a film identification tag (Abs.; col. 29, line 49 – col. 30, line 38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the image processing apparatus of Hirata and the film printing system of Kida because both disclose film image processing apparatuses. The improvement on Hirata by Kida would allow for efficient film identification.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

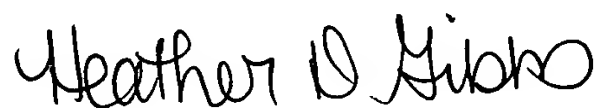
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D. Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hdg



Heather D Gibbs
Examiner
Art Unit 2622



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